

THIS REPORT CONTAINS ASSESSMENTS OF COMMODITY AND TRADE ISSUES MADE BY
USDA STAFF AND NOT NECESSARILY STATEMENTS OF OFFICIAL U.S. GOVERNMENT
POLICY

Voluntary Public

Date: 10/4/2011

GAIN Report Number: HK1140

Hong Kong

Post: Hong Kong

Consumer Council Renews Call for Labeling of GM Products

Report Categories:

Agriculture in the News

Biotechnology

Approved By:

Erich Kuss

Prepared By:

Caroline Yuen

Report Highlights:

The Hong Kong Consumer Council urged the government to impose mandatory labeling for genetically modified (GM) products and to tighten thresholds upon releasing the result of a survey on GM ingredients of soy drinks. There are no indications that the Hong Kong government will put mandatory labeling of GM products on their agenda. According to its announced work plan, legislative work on pesticides, veterinary drugs and metallic contamination are their priorities.

Summary

The Hong Kong Consumer Council (HKCC), a consumer advocacy group, recently announced that they tested 50 soy drinks for the presence of GM material. According to the HKCC, half of the tested samples had trace levels of GM materials, highlighting that many of the GM ingredients were found in products labeled with “organic” and “made with non-GM soy beans” or similar claims. Most media reported the survey results with headlines such as “GM-free soy drink claims deceptive, watchdog says”; “GM free labels misleading” and “half of soy drinks contain GM ingredients”. However, there was a lack of emphasis on the fact that none of the samples exceeded the threshold level of 5 percent adopted in Hong Kong’s voluntary labeling guidelines for GM products. Specifically, the survey adopted a detection level of 0.01 percent and the GM content found in most of the samples was non-quantitative. In response to the survey and the Council’s call for mandatory labeling of GM products, the spokesman of the Hong Kong government said many countries such as Canada, Japan and Taiwan also set the GM threshold level at 5 percent. Also, GM foods were subjected to rigorous safety assessments by the industry and regulatory agencies of the places of origin before they were put into the market.

The Survey

The Hong Kong Consumer Council tested 50 soy drinks drawn from various retail outlets against the presence of GM soy beans, namely Roundup Ready, Roundup RReady2Yeild, LibertyLink (A2704-12), Optimum GAT (356043) and TREUS (305423). The detection level for GM ingredients was set at 0.01 percent, with the minimum quantitative level at 0.1 percent for all samples except 0.2 percent in two samples and 0.5 percent in one sample. (Variation of the minimum quantitative level was due to GM content, testing method and product nature). Results showed that half of the 50 samples had trace GM materials, but mostly at a level below quantification. Among the 25 samples detected with GM ingredients, four contained quantifiable amount of GM elements of Roundup Ready beans at 0.2, 0.4, 0.5 and 1.1 percent respectively.

The survey had several key findings with regard to “organic” or “non-GM” claims:

- There were no positive labeling in all the 50 tested samples;
- Out of the 50 samples, 20 samples carried “organic” claims and 7 of these “organic” samples were found with trace levels of GM ingredients;
- Out of the 50 samples, 30 samples carried “non-GM” or similar claims. Among the “non-GM” samples, 11 samples were found with trace levels of GM elements and 3 other samples with GM elements at 0.2, 0.5 and 0.4 percent respectively.

The media in general reported the survey findings along the theme that there existed misleading/deceptive labeling for non-GM soy drinks as 14 samples out of the 30 supposedly GM free products carried GM elements. Rarely did the reports explain that the low trace level of GM elements in most of the samples belong to “technically unavoidable trace”. Reports also highlighted the Consumer Council’s call for mandatory labeling for GM products and raising the threshold for labeling

purposes.

In fact, according to Hong Kong's voluntary labeling guidelines for GM products, traders may choose to label the products as "sourced from non-GM sources" for products containing less than 5 percent of GM content. As such, none of the samples of the survey violated the voluntary labeling guidelines adopted by the Hong Kong government.

Consumer Council's Call for the Government

Based on the survey results, the Hong Kong Consumer Council called for the government to impose mandatory labeling for GM products and to set up a threshold with reference to levels adopted by the EU (0.9%) or Australia (1%). Also, it urged that all GM foods sold in Hong Kong to pass safety tests and obtain approval from the local food safety authority. Given the possibility of adventitious mixing of GM and non-GM products, the Council asked to prohibit negative labeling such as "GM free".

The Consumer Council further purported that the Codex agreement in 2011 has significant implications towards GM labeling for food safety authorities. According to the agreement, if any country decides to voluntarily label GM products, it can do so without World Trade Organization (WTO) challenges. With the endorsement of the GM labeling guidance document as an official Codex Text, any food safety authority establishing its own national GM labeling policy based on the guidance will no longer have the action considered as a trade barrier.

Hong Kong's Guidelines for Voluntary Labeling for GM Products

The Hong Kong Government (HKG) does not have any specific biotechnology regulations with regard to the labeling of biotech food products. Hong Kong's food laws makes no distinction between conventional and biotech foods. The HKG noted difficulty in carryout a law that currently does not have an international standard to back it up. However, the HKG released a set of guidelines on voluntary labeling for biotech foods in 2006. The guidelines on labeling for biotech foods are advisory in nature and do not have any legal effect. Adoption is entirely voluntary and is not binding.

The guidelines are based on the following four principals:

- The labeling of biotech food will comply with existing food legislation.
- The threshold level applied in the guideline for labeling purpose is 5 percent, in respect to individual food ingredients.
- Additional declaration on the food label is recommended when significant modifications of the food, e.g. composition, nutrition value, level of anti-nutritional factors, natural toxicant, presence of allergen, intended use, introduction of an animal gene, etc, have taken place.
- Negative labeling (e.g. GMO free, free from GM ingredients) is not recommended

According to HKG's announced priority of legislative projects, mandatory labeling for GM products is not on its current agenda. The HKG is currently working on a pesticide regulation. Also in the pipeline is legislative work on veterinary drugs and metallic contamination. Nonetheless, the legislative

agenda could be subject to change based on any number of factors including the appointment of a new food authority head following the change of Hong Kong's government next year and any development in the international food arena such as Codex.

Hong Kong's Organic Labeling

Hong Kong does not have any specific regulation for organic products. However, the Hong Kong Organic Center provides organic certification for local produce. The Center is a government subsidized organization and is applying for membership of International Federation of Organic Agriculture Movements (IFOAM). The Center's certification criteria sets zero tolerance for GM content for its certified organic products. The Center currently has a membership of about 90 local farms.

Survey Results by the Hong Kong Consumer Council, 2011

A. Results not showing GM Content – A total of 25 samples

Products' Origin	No of Samples	Organic Claims	Organic Certification Logo	Non-GM or GM Free Claims
China	7	2	2 (BCS certified)	5
Hong Kong	9	5	1 (USDA organic)	3
Taiwan	2	1		1
Australia	3	2	2 (Australian Certified Organic)	3
Japan	1			1
U.K.	2	2	2 (Soil Association)	2
Singapore	1	1	1 (USDA Organic)	1

B. Results showing GM Content at non-quantitative Level (Detection level : 0.01%; minimum quantitative level : 0.1% (0.2% for 2 products and 0.5 for 1 product)

Products' Origin	No of Samples	Organic Claims	Organic Certification Logo	Non-GM or GM Free Claims
Canada	2	1	1 (USDA Organic)	2
Hong Kong	7	2		2
Taiwan	2 (one of the samples is of U.S. brand)	1	1(USDA Organic)	2
Malaysia	3			2
Europe	1			1
Japan	1			1
USA	4	3	3 (1 Oregon Tilth; 2 USDA Organic)	1 (the one without organic claims)
Thailand	1			

C. Results showing GM Content at Quantitative Level

Products'	No of	Organic	Organic	Non-GM or GM Free Claims
-----------	-------	---------	---------	--------------------------

Origin	Samples	Claims	Certification Logo	
Taiwan	3			2 (0.2% and 0.5% GM content; the one without claims with 1.1% GM content)
Hong Kong	1			1 (0.4% GM content)

Of the four U.S. products that were found with non-quantitative level of GM content, two companies responded to the survey results. One U.S. company indicated that they tested the GM content according to AOAC or ASTA standard which adopted a threshold of 0.1 percent. The test result of their product conducted by the Hong Kong Consumer Council also indicated a GM content level less than 0.1 percent.

Another U.S. company pointed out that its products were USDA organic certified, implying that they were made of non-GM ingredients, which was a criteria for USDA organic certification. Given the inevitable possibility of adventitious commingling of GM and non-GM products, it is quite impossible to achieve 100% GM free and the non-quantitative level of the GM content in its products bodes well that they are made of non GM ingredients. The company further explained that its products have been certified being able to comply with the EU threshold of 0.9 percent.